

EV357551043US

PTO/SB/13/PCT (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## REQUEST FOR FILING A CONTINUATION OR DIVISION OF AN INTERNATIONAL APPLICATION

DOCKET NUMBER	ANTICIPATION CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
20030322.URI	CLASS	SUBCLASS		

## Address to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b) of pending prior international application Number PCT /GB02/00844, filed on 27.02.02 ~~entered~~ (Feb. 27, 2002) entitled Bone Fixated, Articulated Joint Load Control Device which designated the United States.

Note: 37 CFR 1.53(d) cannot be used to file a continuation or divisional application of an international application which has not entered the national stage.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c))		68 - 20 =	48	x \$ ----- =	\$ 864.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))		2 - 3 =	0	x \$ ----- =	0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				x \$ ----- =	280.00
				BASIC FEE (37 CFR 1.16(a))	750.00
				Total of above Calculations =	1394.00
				Reduction by 50% for filing small entity (Note 37 CFR 1.27)	1.27.
				Total =	1894.00

- Enclosed are the specification, claims and drawing(s).
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☒ The Director is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment of Deposit Account No. 08-1265. A duplicate copy of this sheet is enclosed.
- ☒ A check in the amount of \$ 1894.00 is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ Application Data Sheet is enclosed. See 37 CFR 1.76.
- ☒ If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:  
☒ Continuation ☐ Divisional of prior PCT application No.: PCT/GB02/00844, filed 27.02.02  
[Page 1 of 2]

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02570 U.S. PTO

092503

03916 U.S. PTO

10/675555

092503

**REQUEST FOR FILING A CONTINUATION OR DIVISION OF AN INTERNATIONAL APPLICATION**

8. ☒ A declaration under CFR 1.63 is enclosed.
9. ☒ Priority of foreign application number 0107708.0, filed on 28.03.01 (March 28, 2001)  
in the United Kingdom is claimed under 35 U.S.C. 119(a)-(d).

☐ The certified copy is enclosed.

10. ☒ A preliminary amendment is enclosed.

11. ☒ Also enclosed:  
Certificate of Mailing Via Express Mail; return postcard and all items listed  
in Transmittal Letter.

Address all future correspondence to: (May only be completed by applicant, or attorney or agent or record).

C.G. Mersereau, Esq., NIKOLAI & MERSEREAU, P.A., 900 Second Avenue South,  
Suite 820, Minneapolis, MN 55402-3325

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Sept., 2003

Date

612-339-7461

Telephone Number

C.G. Mersereau

Signature

C.G. Mersereau

Typed or printed name

26,205

Registration Number, if applicable

- ☐ Inventor(s)/Applicant(s)
- ☐ Assignee of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ Attorney or agent of record
- ☐ Filed under 37 CFR 1.34(a)  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.



INTERNATIONAL CENTRE  
900 SECOND AVENUE SOUTH, SUITE 820  
MINNEAPOLIS, MINNESOTA 55402-3813  
TELEPHONE 612 339-7461  
FACSIMILE 612 349-6556

02 Rec'd PCT/PTO 25 SEP 2003

September 25, 2003

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

Attorney's Docket No. 20030322.ORI

International Application No.: PCT/GB02/00844

International Filing Date: 17 February 2002

Priority Date Claimed: 28 March 2001

Title of Invention: Bone Fixated, Articulated Joint  
Load Control Device

Applicant(s) for DO/EO/US: DRAPER, Edward

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MAIL STOP PCT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Dear Sir:

Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1)).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.

5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))  
a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau.)  
b. ☒ has been transmitted by the Int'l Bureau.  
c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))  
a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).  
b. ☐ have been transmitted by the Int'l Bureau.  
c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.  
d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An unexecuted oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11-16 below concern documents or information included:  
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.

12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.

14. ☐ A substitute specification.

15. ☐ A change of power of attorney and/or address letter.

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September 25, 2003  
Page Two

16.   X   Other items or information: PCT Request, Published International Application WO02/078554 A1 with international Search Report and substitute formal drawings; Notification of Transmittal of the International Search Report or the Declaration; PCT Written Opinion; Notification of Transmittal of the International Preliminary Examination Report; Notice Informing the Application of the Communication of the International Application to the Designated Offices; Return Receipt Postcard; Request for Filing a Continuation of an International Application; a Multiple Dependent Claim Fee Calculation; check; a Certificate of Mailing Via Express Mail and Patent Application Data Entry Format.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.



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Attorney for Applicant  
Registration No. 26,205  
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Minneapolis, MN 55402  
Telephone: (612) 339-7461

Express Mail No. EV357551043US  
PATENT APPLICATION  
Docket No. 20030322.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Edward Draper : September 25, 2003  
For : BONE FIXATED, ARTICULATED JOINT  
LOAD CONTROL DEVICE

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**CERTIFICATE OF MAILING VIA EXPRESS MAIL**

MAIL STOP PCT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Sir:

I hereby certify that the attached Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371, a Request for Filing a Continuation or Division of an International Application, a copy of the PCT Request, Preliminary Amendment, an unexecuted Declaration, Power of Attorney, and Petition, a Multiple Dependent Claim Fee Calculation Sheet, Patent Application Data Entry Format, Notice Informing the Applicant of the Communication of the International Application to the Designated Offices, the Written Opinion, International Preliminary Examination Report, International Search Report and a check in the amount of \$1894.00 to cover the filing fee, all in connection with the above-identified patent application are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to: MAIL STOP PCT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450

under Express Mail Post Office to Addressee Label No. EV357551043US.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.



Linda J. Rice  
On Behalf of C. G. Mersereau, 26,205  
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